IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4490 OF 2006

Kai. Jayavanti Shivgonda Patil
Deceased through heirs ..Petitioners
Vs.
The State of Maharashtra and ors. ..Respondents

WITH
WRIT PETITION NO. 4491 OF 2006

Smt. Shalini Kumgonda Patil ..Petitioner
Vs.
The State of Maharashtra & Ors. ..Respondents

WITH
WRIT PETITION NO. 4492 OF 2006

M/s. Rajendra Textiles and anr. ..Petitioners
Vs.
The State of Maharashtra and ors. ..Respondents

WITH
WRIT PETITION NO. 4514 OF 2006

M/s. Bahubali Fabrics ..Petitioner
Vs.
The State of Maharashtra and ors. ..Respondents

WITH
WRIT PETITION NO. 4515 OF 2006

M/s. Mahavir Fabrics ..Petitioner
Vs.
The State of Maharashtra and ors. ..Respondents

WITH
WRIT PETITION NO. 4673 OF 2006

Kolhapur Zilla Shetkari
Vinakari Sahakari Soot
Girani Ltd. ..Petitioner
Vs.
The State of Maharashtra and ors. ..Respondents

Mr. Amit Borkar for petitioner in all the matters.
Ms. V. Mhaispurkar, AGP for respondent nos.1 to 3 in all the matters.
Mr. V.B. Rajure for respondent no.4 in all the matters.

CORAM: B.H. MARLAPALLE, J.

Date : July 19, 2006.

P.C.:

1. Heard Mr. Borkar the learned counsel for the petitioner and Mr. Rajure the learned counsel for the respondent no.4. Ms. Mhaispurkar, the learned AGP appears for respondent nos.1 to 3.

2. As all the petitions impugn a common order, they have been heard together and are being decided by a common order. The respondent no.4 passed an order under Section 105 of the Maharashtra Co-operative Societies Act, 1960 on 30/5/2003 for recovery of specified amounts from all these petitioners individually and the said order/award came to be challenged in Appeal Nos.73 to 75, 79, 63 and 127 of 2003. These appeals came to be allowed by a common judgment rendered on 27/1/2004 solely on the ground

that before passing the order/award impugned, the respondent no.4 had not obtained prior approval of the

Registrar in compliance with the requirements of Rule 89(14)(i) of the Maharashtra Co-operative Rules 1961, by the Divisional Joint Registrar and while allowing all these appeals he remanded the cases for fresh trial with directions to the respondent no.4 to comply with the mandatory provisions of the said Rules.

3. The respondent no.4, therefore, submitted an application on 28/2/2004 to the District Deputy Registrar seeking prior approval as required under Rule 89(14)(i) of the Rules. However, it was noted that such an approval was already granted on 27/1/2006 and without passing a fresh order under Section 105 of the Act, the respondent no.4 proceeded to issue an attachment order and that came to be challenged before the Divisional Joint Registrar under Section 154 of the Act by filing a revision application. The Divisional Joint Registrar, Co-operative Societies, Kolhapur rejected these revision applications by a

common order dated 15/6/2006.

4. After having heard Mr. Borkar and Mr. Rajure I am satisfied that the impugned order dated 15/6/2006 does not call for any interference. However, based on the permission granted on 27/1/2006, the respondent no.4 is required to pass a fresh order under Section 105 of the Act and in any case such an order should be passed within a fixed period.

5. The petitions are, therefore, disposed off with a direction to respondent no.4 to pass a fresh order/award under Section 105 of the Act as expeditiously as possible and in any case within a period of four weeks from today and after hearing the parties concerned. The parties will appear before the respondent no.4 on 26/7/2006.

(B.H. Marlapalle,J.)